

**- REMARKS / ARGUMENTS -****Summary of the Examiner's office action**

Prosecution was reopened in view of Applicants' Appeal Brief of November 24, 2004.

The claim rejections indicated in the Examiner's action are as follows:

Claims	<u>§102(e)</u>	<u>§103(a)</u>	Status/References
1, 5-7 and 9-12	X		Anticipated by Tsukamoto et al. (US 6,570,569)
2-3		X	Unpatentable over Tsukamoto et al. in view of Ito (US 6,690,810)

**Amendments**

In the claims, the subject matter of claim 2 was introduced into claim 1 and into claim 11. A definition of what is contained in each channel, namely an explosion parameter, was also introduced into claims 1 and 11. This is clearly supported by claim 4 and the specification as filed. Furthermore, the expression "can be" in claim 1 was amended to clarify what is claimed.

**Rejection of Claims 1, 5-7 and 9-12 under 35 USC §102(e) using Tsukamoto et al. (US 6,570,569)**

For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

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Tsukamoto et al. (hereinafter referred to as Tsukamoto) is for an image processor for a three dimensional game apparatus, which displays an object whose blocks are distributed after disintegration with display components. The demolition and explosions effects are more realistic using Tsukamoto. The walls of buildings in Tsukamoto are pre-separated into small polygons. When a character demolishes a building, the polygons are exploded according to different parameters.

The only passage in Tsukamoto which discussed the explosion of the particles is found at column 7, lines 47-56 :

"Display elements, however, may also be set as a group of polygon data structured to be simultaneously movable by a plurality of polygons. In any case, unlike the ordinary simple triangular or quadrilateral polygons, a plurality of vertexes are established in order to realize a complex outline. The shape of the display elements is set to be as though a rugged broken surface to simulate block cloths created upon the actual collapse of a building. A display of a collapsed building is obtained by merely separating the display elements."

Tsukamoto does not teach how to separate the walls into the small polygons and what the shape or size of the polygons should be during the explosion. Tsukamoto does not teach how to change explosion parameters for the explosion effect in order to determine, for example, the shape, the explosion sequence of the particles, the spin parameter for each particle and the softness of edges of each particle. Furthermore, Tsukamoto does not teach to allow the user to define the shape of the particles using a graphics image data file. Tsukamoto does not provide a graphics data file from which the particle shape, or any other parameter for the explosion, is defined.

Applicants' claim 1 is for a method for generating a sequence of object definition data sets for a video particle explosion effect. The method comprises providing a graphics

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image data file of a particle pattern having a plurality of channels, each channel defining at least one explosion parameter of the video particle explosion effect, including a shape of a plurality of particles; generating a sequence of object definition data sets using the graphics image data file; wherein the object definition data sets are used with a video source file to render a particle explosion effect on the video file.

Applicants' claim 11 is for a method for rendering a video particle explosion effect on a video source data file. The method comprises providing a graphics image data file of a particle pattern having a plurality of channels, each channel defining at least one explosion parameter of the video particle explosion effect, including a shape of a plurality of particles; generating a sequence of object definition data sets using the graphics image data file; providing a video source data file; rendering the video particle explosion effect using the object definition data sets and the video source data file.

Tsukamoto clearly lacks teachings for the following elements of claims 1 and 11 :  
providing a graphics image data file of a particle pattern;  
the graphics image data file having a plurality of channels;  
each channel defining at least one explosion parameter of the video particle explosion effect;  
the parameter including a shape of the particles.

Examiner alleges that Tsukamoto teaches a graphics image data file when Tsukamoto discusses the polygon data group of the object. This is clearly erroneous. The polygon data group is simply a series of numerical coordinates and not a graphics IMAGE data file.

Examiner should understand that the dashed line representation of the building in Tsukamoto's Fig. 6 is not an actual input to the apparatus of Tsukamoto. Fig. 6 is simply an illustration of what the components may look like for the purposes of the

patent description and this Image is not used by the system in Tsukamoto. Tsukamoto does not teach how to draw the image or how to use such an image but rather how to take the numerical parameters to create the effect.

The Examiner has compared Applicants' color filing in the graphics image file to the bitmap data of Tsukamoto. In Tsukamoto, each particle is not drawn up with a different color in the graphics image data file. The particles are simply filled in with color at the time of rendering, using the video source file to produce the effect. The bitmap data has nothing to do with the Applicants' color filing in the graphics image data file.

Applicants respectfully submit that Tsukamoto does not anticipate Claims 1 and 11 because it does not teach every aspect of the claimed invention either explicitly or impliedly. Withdrawal of the rejection to Claims 1 and 11 is respectively requested. Claims 3 to 10 and 12 are dependent on claims 1 and 11 respectively and thus are also novel and non-obvious.

Rejection of Claims 2-3 under 35 USC §103(a) using Tsukamoto in view of Ito (US 6,690,810)

As stated in MPEP section 2142, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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As detailed above, Tsukamoto clearly lacks teachings for the following elements of claims 1 and 11 :

providing a graphics image data file of a particle pattern;  
the graphics image data file having a plurality of channels;  
each channel defining at least one explosion parameter of the video particle explosion effect;  
the parameter including a shape of the particles.

Furthermore, Tsukamoto lacks teachings for the following elements of claims 2 and 3 :  
the channels are a red channel, a green channel, a blue channel and an alpha channel.

In order for the combination of Tsukamoto and Ito to render claims 2 and 3 obvious, all elements missing from Tsukamoto must be found in Ito and there must be a suggestion in Tsukamoto to combine the elements from Ito.

There is clearly no motivation in Tsukamoto to

- 1) provide a graphics image data file of the particle pattern,
- 2) ensure that the graphics image data file has a plurality of channels,
- 3) define the explosion parameters using the channels of the graphics image data file,
- 4) ensure that the parameters include the shape of the particles,
- 5) use a specific type of file with channels, namely a RGB $\alpha$  type of graphics image data file.

Ito is simply an image encoding method which allows to take into account the alpha parameter of the image. What is stored in each of the RGB $\alpha$  channels of Ito's files is the red, green, blue and alpha component of the file and not other parameters related to a video effect. Ito is clearly irrelevant to the present invention.

Therefore, there is clearly no teaching in Ito to

- 1) provide a graphics image data file of the particle pattern,
- 2) define the explosion parameters using the channels of the graphics image data file,
- 3) ensure that the parameters include the shape of the particles.

From the above discussion, it is clear that Tsukamoto, even when combined with Ito, does not render claims 1 and 3 to 12 obvious.

In view of the foregoing, reconsideration of the rejections and objections of claims 1 and 3 to 12 is respectfully requested. It is believed that claims 1 and 3 to 12 are allowable over the prior art, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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